

Amendment and Response Under 37 C.F.R. 1.116

Applicant: John P. Rebhorn et al.

Serial No.: 09/781,581

Filed: February 12, 2001

Docket No.: 5487USA

Title: PORTABLE, STACKED CONTAINER AND METHOD FOR SEPARATELY STORING AND DISPENSING TWO CONSUMABLE PRODUCTS, ESPECIALLY CEREAL AND MILK

This Amendment is responsive to the Final Office Action mailed November 6, 2002. In that Office Action, claims 20, 39, and 43 were rejected under 35 U.S.C. §112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claims 1, 4, 5, 7, 15, 18, 20, 22-24, and 39-43 were rejected under 35 U.S.C. §102(b) as being anticipated by Doyle, U.S. Patent No. 3,741,427 ("Doyle"). Claims 25, 28, and 33 were rejected under 35 U.S.C. §102(b) as also being anticipated by Doyle. Claims 20 and 22 were rejected under 35 U.S.C. §102(b) as being anticipated by Silver, U.S. Patent No. 4,159,066 ("Silver"). Claims 25 and 28 were rejected under 35 U.S.C. §102(b) as being anticipated by Lin, U.S. Patent No. 4,582,197 ("Lin"). Claims 1-7, 9, 10, 12-19, and 22-24 were rejected under 35 U.S.C. §103(a) as being unpatentable over Dickerson, U.S. Patent No. 4,706,980 ("Dickerson") in view of Siegel et al., U.S. Patent No. 5,209,909 ("Siegel"). Claim 8 was rejected under 35 U.S.C. §103(a) as being unpatentable over Dickerson in view of Siegel and further in view of Ness, U.S. Patent N. 6,753,289 ("Ness"). Claim 11 was rejected under 35 U.S.C. §103(a) as being unpatentable over Dickerson in view of Siegel and further in view of Ours et al., U.S. Patent No. 6,264,068 ("Ours"). Claim 21 was rejected under 35 U.S.C. §103(a) as being unpatentable over Doyle in view of Siegel. Claims 25 and 28-33 were rejected under 35 U.S.C. §103(a) as being unpatentable over Dickerson in view of Siegel. Claim 26 was rejected under 35 U.S.C. §103(a) as being unpatentable over Dickerson in view of Siegel and further in view of Newarski, U.S. Patent No. 5,496,575 ("Newarski"). Finally, claim 27 was rejected under 35 U.S.C. §103(a) as being unpatentable over Dickerson in view of Siegel and further in view of Newarski and Siegel. With this response, claim 30 has been cancelled and claims 1, 15, 20, 22, 24, and 25 have been amended. Pending claims 1-29, 31-33, and 39-43 are presented for reconsideration and allowance.

Claim Rejections under 35 U.S.C. § 112, First Paragraph

Claims 20 and 39 were rejected under 35 U.S.C. §112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. More particularly, claims 20 and 39 were

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rejected due to the phrase "a non-circle perimeter." It is respectfully submitted that the specification language relied upon by the Examiner is unrelated to claim language in question. In particular, the Examiner quoted the Page 10, lines 9 - 11 for the statement that "the bottom is preferably circular in transverse cross-section". This cited phrase is in reference to the bottom of the first, outer compartment. In contrast, the claim language in question relates to the base of the second, inner compartment. As is clearly shown, for example, in FIGS. 3B and 4, the recess 74 renders a perimeter of the base 60 of the second compartment 14 a non-circle. Therefore, it is respectfully requested that the rejection to claims 20 and 39 under 35 U.S.C. §112, first paragraph, be withdrawn.

Claim 43 was similarly rejected under 35 U.S.C. §112, first paragraph. In particular, claim 43 was rejected for lack of specification description for recitation of "the lip is not snap-fitted to the rim." As noted by the Examiner, the specification states, "...the lip is permanently secured to the rim, for example with an ultrasonic weld. Alternatively, other attachment techniques, such as adhesive, mechanical fasteners, snap-fit, etc. can be utilized." (Page 15, Line 32 to Page 16, Line 1). As such, stated methods of permanently securing the lip to the rim includes ultrasonic weld, adhesive, mechanical fasteners, etc., all of which are inherently not snap-fitted to the rim. As would be clear to one of ordinary skill, a snap-fit is not permanent. Therefore, the manner of attachment recited in claim 43 is clear and one of ordinary skill in the art would be enabled to carry out the claimed invention. Accordingly, it is respectfully requested the rejection of claim 43 under 35 U.S.C. §112, first paragraph, be withdrawn.

Claim Rejections under 35 U.S.C. § 102 & § 103

Claims 1 and 15 were rejected under 35 U.S.C. §102(b) as being anticipated by Doyle, U.S. Patent No. 3,741,427 ("Doyle"). Amended claims 1 and 15 each includes a first, outer compartment including an annular rim extending radially outwardly from a top of a first compartment side wall, a second, inner compartment including an annular lid extending radially outwardly from a top of a second compartment side wall, and a cover secured to the lip. A pour opening is formed through the lip, offset from a second compartment internal storage region. The cover seals the pour opening. Doyle fails to teach or otherwise suggest at least these limitations.

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Doyle relates to a double boiler food tray 10 and includes an outer tray 12, an inner tray 18, a cover member 30, and an outer cover 34. The inner tray 18 includes a marginal flange 22 that is supported by a wall member 14 of the outer tray 12 when the inner tray 18 is positioned within the outer tray 12. The cover member 30 covers inner tray 18 and rests upon the marginal flange 22. The outer cover 34 rests upon and encloses the inner cover member 30. A plurality of eyelets 40 or 60 are formed in the marginal flange 22 of the inner tray 18 and the cover 30. (Figures 2, 4, and 6). The inner cover 30 rests upon the flange 22 of inner tray 18, but it does not cover any of the eyelets 40. Notably, Figure 5 illustrates the cover before it is secured to the inner tray 18. Moreover, the outer cover 34 is not secured to the inner tray 18 nor does it seal the eyelets 40. Even further, the side wall 20 of the inner tray 18 does not contact the side wall 16 of the outer tray 12, such that the inner tray 18 does not "nest" with the outer tray 12 as otherwise required by amended claims 1 and 15. As such, Doyle fails to provide a cover which is secured to the annular lip of the second compartment and which seals the pour opening as recited in amended claims 1 and 15.

Moreover, Doyle fails to suggest modification to meet the limitations of claims 1 and 15. Doyle is a double boiler and functions by boiling water or ice in the outer tray 12 to produce steam which circulates through the eyelets 40, around inner tray 18, and out cover vent 36 to effectuate heating and/or cooking. (Column 2, Lines 42-51). If the eyelets 40 were sealed, to resemble the limitations of amended claims 1 and 15, the double boiler 10 would no longer function properly as circulation of the steam would be prevented. Similarly, if the side wall 20 of the inner tray 18 were to be in contact with the side wall 16 of the outer tray 12, required uniform flow of steam to the plurality of eyelets 40 or 60 would be impeded. Therefore, Doyle fails to teach or otherwise suggest the limitations of amended claims 1 and 15. Consequently, it is believed that claims 1 and 15 are allowable over Doyle.

Claims 1 and 15 were also rejected under 35 U.S.C. §103(a) as being unpatentable over Dickerson in view of Siegel. Dickerson provides an outer cup and an inner cup, with the inner cup being tilted upon final assembly. As cited by the Examiner, neither of the inner or outer cups forms a radially-extending rim or lip, respectively, as otherwise required by amended claim 1. Further, Dickerson cannot be viewed as suggesting such a configuration. In particular, Dickerson specifically relies on a compression seal between side surfaces (29) of the inner and outer cup side walls, respectively, to seal the outer container. Were the

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Dickerson inner and outer cups to be modified to include the annular, radially-extending rim and lip, respectively, these components would greatly impede or prevent achieving the requisite compression seal as contact between the rim and lip would occur prior to sealing between the side surfaces 29.

In addition, Siegel cannot be viewed as rendering amended claim 1 obvious by itself or in conjunction with other references as it fails to qualify as analogous prior art. To rely on a reference as a basis for an obviousness rejection of a claimed invention, "the reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the inventor was concerned." *In re Oetiker* 24 USPQ2d 1443, 1445 (Fed. Cir. 1992). Siegel relates to the decontamination art and, the field of packaging powdered sterilant reagents for use in disinfecting medical instruments (Column 1, Lines 25-29). This is entirely unrelated to the field of the pending application's containers. Stated otherwise, an inventor devising a new consumable product container would not logically have considered a medical instrument sterilizing package. Clearly, the powdered reagents of the Siegel package are not consumable. Further, the disinfectant packaging of Siegel is not reasonably pertinent to the particular problem associated with the present invention. In particular, the present invention not only addresses the problem of separately containing consumable products, but also facilitating optimal consumption thereof by a consumer through pre-defining pour openings and a fluid passageway. The Siegel packaging does not dispense the sterilant reagent through an upper aperture 84; instead, the aperture 84 is only provided for filling purposes. The sterilant reagents are released from the Siegel package via knives 14 that pierce the package's bottom (best shown in Figure 4 of Siegel). Thus, not only does Siegel represent an entirely different field of endeavor, but is in no way pertinent to the problem addressed by the present invention. These facts are highly similar to those presented in *In re Oetiker*, where court held that a reference relating to fasteners for garments was not analogous to the hose clamp invention. Similar, with respect to the present invention, not all packaging or containment problems are analogous. In summary, packaging a sterilant powdered reagent is not analogous to separately containing, and facilitating dispensement thereof, two consumable products. As such, Siegel cannot be used as part of an obviousness rejection for any of the pending claims as it is not analogous prior art. It is respectfully

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requested that the Examiner specifically address the contention, and related reasoning, that Siegel is non-analogous.

In light of the above, it is respectfully submitted that amended claims 1 and 15 are not taught or otherwise suggested by the cited references and, consequently, are believed to be allowable over Dickerson and Siegel.

Claims 4, 5, 7, 18, and 39-43 were rejected under 35 U.S.C. §102(b) as being anticipated by Doyle, and claim 21 was rejected under 35 U.S.C. §103(a) as being unpatentable over Doyle in view of Siegel. Each of the dependent claims 4, 5, 7, 18, and 39-43 further defines one of amended claims 1 and 15. As described above, Doyle fails to teach or otherwise suggest the limitations of amended claim 1 and amended claim 15. Accordingly, dependent claims 4, 5, 7, 18, and 39-43 are also believed to be allowable over the cited reference. Further, at least claim 40 recites additionally allowable subject matter over Doyle in that Doyle does not teach or suggest discernable shoulders in either of the trays 12, 18, let alone shoulders that facilitate assembly of the two components.

Claims 2-9, 10-14, and 16-19 were rejected under 35 U.S.C. §103(a) as being unpatentable over Dickerson in view of Siegel, or over Dickerson in view of Siegel and further in view of Ness or Ours. Each of claims 2-9, 10-14, and 16-19 depend from one of amended claims 1 and 15. As described above, claims 1 and 15 were not taught or otherwise suggested by Dickerson or Siegel. Accordingly, dependent claims 2-9, 10-14, and 16-19 are believed to be allowable.

In addition, claim 7 is believed to further be allowable as Dickerson and Siegel fail to teach an upper plane defined by the lip being substantially parallel with a lower plane as defined by the bottom. In all embodiments, Dickerson consistently teaches that the inner cup 22 is tilted and not substantially parallel with a bottom of the outer cup 20. Dickerson mentions that the outer cup can be entirely cylindrical to allow an annular piece of foam to be slid over the outside wall of the outer container to provide insulation of the liquid. (Column 5, Lines 34-41). As such, the cylindrical suggestion relates to the outer wall of the outside cup and does not alter Dickerson's overall design that the inner cup be tilted relative to the outside cup. As such, claim 7 presents further grounds for patentability.

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Claims 20 and 22 were rejected under 35 U.S.C. §102(b) as being anticipated by Doyle. Doyle fails to teach or otherwise suggest the limitations of amended claims 20 and 22 for similar reasons as described above with respect to claims 1 and 15.

Claims 20 and 22 were also rejected under 35 U.S.C. §102(b) as being anticipated by Silver. Both claim 20 and claim 22 relate to a portable, single-use container including a first, outer compartment and a second, inner compartment. A fluid passageway is established between an interior surface of the first compartment side wall and an exterior surface of the second compartment side wall. Silver fails to teach or otherwise suggest such limitations.

Silver relates to a package for dispensing a plurality of flowable materials that includes a first container 1 and a second container 11. Container 11 is slid into the open top 2 of container 1 such that container 11 maintains contact with inside surface 6 of container 1 throughout. By maintaining such contact, "container 11 functions as a piston" within container 1. Furthermore, it is preferred that sealing rings 17 be provided around outside surface 16 of second container 11 "to effect a better seal between outside surface 16 and inside surface 6." (Column 3, Lines 30-46). Therefore, Silver fails to teach or otherwise suggest the limitations of amended claims 20 and 22, relating to formation of a fluid passageway between an interior surface of the first, outer compartment side wall and an exterior surface of the second, inner compartment side wall, and in fact Silver actually teaches against such limitations. In particular, a fluid passageway between the two compartments would destroy the "seal between outside surface 16 and inside surface 6" and destroy the piston action required to remove the flowable material out of the first container 1 (Column 3, Line 56 - Column 4, Line 7), thereby, rendering Silver useless for its intended purpose. Further, as shown by a combination of FIGS. 1 and 2, the base of the inner container 11 has a circle perimeter defined by the side wall 17 extending to the bottom 13, such that the cylindrical side wall 17 defines the perimeter. For at least the above described reasons, Silver fails to teach or otherwise suggest the limitations of claims 20 and 22. As a result, claims 20 and 22 are believed to be allowable.

Claim 22 was also rejected under 35 U.S.C. § 103(a) as being unpatentable over Dickerson in view of Siegel. The container of amended claim 22 further recites that the second compartment nests within the first compartment and that "the first internal storage region is sealed except at the pour opening." Conversely, in addition to liquid channel 28 and

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liquid opening 32, Dickerson provides for a vent channel 46 capped with a vent opening extending up from the internal storage region of the outer container 20. As such, Dickerson "will form a seal along the entire top of the outer container except for the liquid channel and a vent channel" (emphasis added). (Column 3, Lines 59-61). In addition, it is unclear why one of ordinary skill in the art contemplating the device 12 of Dickerson would consider additional modifications, such as those recited in amended claim 22, as Dickerson makes no mention of a need to replace the vent channel and opening 28 and 32 with a more continuous seal. In fact, Dickerson teaches directly opposite, requiring both the vent and the liquid channel so as to not negatively affect liquid flow. (Column 4, lines 45-47). As a result, Dickerson fails to teach or suggest the limitations of amended claim 22, and amended claim 22 is believed to be allowable.

Claims 23 was rejected under 35 U.S.C. §102(b) as being anticipated by Doyle and under 35 U.S.C. § 103(a) as being unpatentable over Dickerson in view of Siegel. Claim 21 was rejected under 35 U.S.C. §103(a) as being unpatentable over Doyle in view of Siegel. Each of dependent claims 21 and 23 further defines one of the independent amended claims 20 or 22. As described above, Doyle fails to teach or otherwise suggest the limitations of claims 20 and 22. Accordingly, dependent claims 21 and 23 are also believed to be allowable.

Claim 24 was rejected under 35 U.S.C. §102(b) as being anticipated by Doyle and under 35 U.S.C. §103(a) as being unpatentable over Dickerson in view of Siegel. Amended claim 24 relates to a container including a first, outer compartment, a second, inner compartment having an annular lip formed at the top of the inner compartment side wall, and a cover secured to the lip and sealing a pour opening of the inner compartment. An upper plane defined by the lip is substantially parallel with a lower plane defined by the bottom. Doyle fails to teach or otherwise suggest such limitations for similar reasons as described with respect to claims 1 and 15. Dickerson further fails to teach or otherwise suggest such limitations for similar reasons as described above with respect to claim 7. Also, as described above, Siegel is non-analogous art and is not available for use in any obviousness analysis. Consequently, none of the cited references teach or otherwise suggest the limitations of amended claim 24. Accordingly, amended claim 24 is believed to be allowable.

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Claim 25 has been amended to incorporate the limitation of claim 30, which has now been cancelled. Claim 30 was rejected under 35 U.S.C. §103(a) as being unpatentable over Dickerson in view of Siegel. Amended claim 25 relates to a method of manufacturing a portable container separately containing two consumable products. The method includes providing a first, outer compartment; providing a second, inner compartment; and dispensing a second consumable product into the second compartment including dispensing a dry consumable product. The outer compartment includes an annular rim, whereas the second compartment includes an annular lip forming a pour opening. In this regard, the second compartment is placed into the first compartment such that the lip rests on top of the rim. It is respectfully submitted that Dickerson in view of Siegel does not teach or suggest at least these limitations.

In a similar manner as previously described with respect to amended claims 1 and 15, the alleged lip and rim components of Dickerson are specifically configured to not rest on top of one another. Siegel, as previously described, is non-analogous art, and thus cannot be used as part of an obviousness rejection. Further, even if Siegel was an available reference, a requisite suggest to modify Dickerson in the manner advanced by the Examiner does not exist. In particular, Dickerson relies upon a compression seal generated by interface between the compartment side walls. A stated goal of Dickerson is for the device to be re-usable, meaning that the inner and outer containers cannot be permanently affixed to one another. It is for this reason that Dickerson employs the compression seal. The sealing technique of Dickerson would be impeded, if not prevented, by modifying Dickerson to include an inner compartment lip that rests on top of an outer compartment rim as the interaction between the lip and the rim may occur prior to formation of the compression seal, thereby, preventing formation of the compression seal. Conversely, if Dickerson were to be modified to eliminate the compression seal and instead rely upon the affixment between a rim and a lip, the resulting device would not be re-useable, in direct contraction to the particular attribute advanced by Dickerson. As such, it is respectfully submitted that amended claim 25 recites allowable subject matter.

Claims 26-29 and 31-33 depend from amended claim 25. For the reasons previously described, amended claim 25 is allowable over the cited references. Thus, claims 26-29 and 31-33 are similarly allowable. Further, it is noted that with respect to at least claims 26 and

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27, additional, patentably-distinct subject matter is recited. In this regard, the Examiner has referenced Newarski as teaching an aseptically sanitized milk package. For the reasons previously set forth in the Response of July 24, 2002 (incorporated herein by reference), it is respectfully submitted that Newarski does not teach or suggest at least sanitizing a surface of a container other than the milk container. Further, with respect to the Examiner's assertion that "sanitizing steps are well known" it is respectfully submitted that even if the concept of sanitizing a milk container is known, the specific steps and ordering thereof set forth in claims 26 and 27 is not. That is to say, it is only by referring to the teachings of the pending application that the steps/order of claims 26 and 27 can be determined; none of the cited references teach or suggest anything beyond the simple concept of sterilizing a surface of a standalone container. Therefore, at least claims 26 and 27 define additionally allowable subject matter.

CONCLUSION

In light of the above, Applicant believes independent claims 1, 15, 20, 22, 24, and 25 and the claims depending therefrom, are in condition for allowance. Allowance of these claims is respectfully requested.

No fees are required under 37 C.F.R. 1.16(b)(c). However, if such fees are required, the Patent Office is hereby authorized to charge Deposit Account No. 500471.

Attached hereto is a marked-up version of the changes made to the specification and/or the claims by the current Amendment. The attached pages are captioned "**VERSION WITH MARKINGS TO SHOW CHANGES MADE**".

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The Examiner is invited to contact the Applicants' Representative at the below-listed telephone number if there are any questions regarding this response.

Respectfully submitted,

John Rebhorn et al.,

By their attorneys,

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CERTIFICATE UNDER 37 C.F.R. 1.181
The undersigned hereby certifies that this paper or papers, as described herein, are being transmitted by facsimile to the attention of Examiner Robert Madsen, of the Patent and Trademark Office, (703) 872-9311 on this <u>6</u> day of <u>January</u> , 2003.
By: <u>Timothy A. Czaja</u>
Name: <u>Timothy A. Czaja</u>

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JAN 7 2003
GROUP 1700

EXPEDITED PROCEDURE
Examining Group Number 1700

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	John P. Rebborn et al.	Examiner:	Robert A. Madsen
Serial No.:	09/781,581	Group Art Unit:	1761
Filed:	February 12, 2001	Docket No.:	5487USA (G180.138.101)
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Title:	PORTABLE, STACKED CONTAINER AND METHOD FOR SEPARATELY STORING AND DISPENSING TWO CONSUMABLE PRODUCTS, ESPECIALLY CEREAL AND MILK		

AMENDMENT AND RESPONSE UNDER 37 C.F.R. 1.116

Box AF
Commissioner for Patents
Washington, D.C. 20231

**VERSION WITH MARKINGS
TO SHOW CHANGES MADE**

Dear Sir/Madam:

This Amendment is responsive to the Final Office Action mailed November 6, 2002.
Please amend the above-identified patent application as follows:

IN THE CLAIMS

Please cancel claim 30. Please amend claims 1, 15, 20, 22, 24, 25, and 31 as follows:

1. (Twice Amended) A portable, single-use container for separately containing two consumable products, the container comprising:
 - a first, outer compartment including:
 - a bottom,
 - a first compartment side wall extending from the bottom and defining a first compartment internal storage region,
 - an annular rim extending radially outwardly from a top of the first compartment side wall;
 - a second, inner compartment including:
 - a base,
 - a second compartment side wall extending from the base and defining a second compartment internal storage region,

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an annular lip extending radially outwardly from a top of the second compartment side wall,

a pour opening formed through the lip, offset from the second compartment internal storage region; and

a cover secured to the lip and sealing the pour opening;

wherein upon final assembly, the second compartment nests within the first compartment such that the lip abuts the rim, the base is spaced from the bottom, and a fluid passageway is established between an interior surface of the first compartment side wall and an exterior surface of the second compartment side wall, the fluid passageway fluidly connecting the first compartment internal storage region and the pour opening.

2. The container of claim 1, wherein the first compartment is configured to contain a liquid consumable product and the second compartment is configured to contain a dry consumable product.

3. The container of claim 2, wherein the first consumable product is milk and the second consumable product is cereal.

4. The container of claim 1, wherein the lip rests on top of the rim.

5. The container of claim 1, wherein the lip is affixed to the rim.

6. The container of claim 1, wherein the first compartment internal storage region is completely sealed.

7. The container of claim 1, wherein an upper plane defined by the lip is substantially parallel with a lower plane defined by the bottom.

8. The container of claim 1, wherein a diameter of the bottom of the first compartment is approximately 2.2 inches.

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9. The container of claim 1, wherein the annular lip has a minimum radial width of approximately 0.125 inch.

10. The container of claim 1, wherein the pour opening is elongated, having a major diameter of approximately 0.25 inch.

11. The container of claim 1, wherein the annular lip forms a radial extension having an increased radial width relative to a remainder of the lip, the pour opening being formed in the radial extension.

12. The container of claim 1, wherein the first compartment side wall forms a spout defining the fluid passageway.

13. The container of claim 1, wherein the first container side wall is formed of a flexible material such that the first container side wall can be squeezed to provide a temporary increased flow rate through the pour opening.

14. The container of claim 1, wherein the second compartment side wall forms a recess opposite the pour opening.

15. (Twice Amended) A packaged good article comprising:

a portable, single-use container comprising:

a first, outer compartment including:

a bottom,

a first compartment side wall extending from the bottom and defining a first compartment internal storage region,

an annular rim extending radially outwardly from a top of the first compartment side wall,

a second, inner compartment including:

a base,

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a second compartment side wall extending from the base and defining
a second compartment internal storage region,
an annular lip extending radially outwardly from a top of the second
compartment side wall,
a pour opening formed through the lip, offset from the second
compartment internal storage region,
a cover secured to the lip and sealing the pour opening;
a first consumable product sealed within the first compartment; and
a second consumable product contained within the second compartment;
wherein upon final assembly, the second compartment nests within the first
compartment such that the lip abuts the rim and a fluid passageway is
established between an interior surface of the first compartment side wall and
an exterior surface of a second compartment side wall, the fluid passageway
allowing passage of the first consumable product from the first compartment
internal storage region to the pour opening.

16. The packaged good article of claim 15, wherein the second consumable product is a dry consumable product.

17. The packaged good article of claim 16, wherein the dry consumable product is cereal.

18. The packaged good article of claim 15, wherein the first consumable product is a liquid consumable product.

19. The packaged good article of claim 18, wherein the liquid consumable product is milk.

20. (Twice Amended) A portable, single-use container for separately containing two consumable products, the container comprising:

a first, outer compartment including:

a bottom,

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Title: PORTABLE, STACKED CONTAINER AND METHOD FOR SEPARATELY STORING AND DISPENSING TWO CONSUMABLE PRODUCTS, ESPECIALLY CEREAL AND MILK

a first compartment side wall extending from the bottom and defining a first compartment internal storage region,
an annular rim formed at a top of the first compartment side wall;
a second, inner compartment including:
a base defining a non-circle perimeter,
a second compartment side wall extending from the base and defining a second compartment internal storage region,
an annular lip formed at a top of the second compartment side wall,
a pour opening formed through the lip, offset from the second compartment internal storage region; and
a cover secured to the lip and sealing the pour opening;
wherein upon final assembly, the second compartment nests within the first compartment, and further wherein a fluid passageway is established between an interior surface of the first compartment side wall and an exterior surface of the second compartment side wall, the fluid passageway fluidly connecting the first compartment internal storage region and the pour opening.

21. The container of claim 20, wherein the lip is ultrasonically welded to the rim.

22. (Twice Amended) A portable, single-use container for separately containing two consumable products, the container comprising:

a first, outer compartment including:
a bottom,
a first compartment side wall extending from the bottom and defining a first compartment internal storage region,
an annular rim formed at a top of the first compartment side wall;
a second, inner compartment including:
a base,
a second compartment side wall extending from the base and defining a second compartment internal storage region,
an annular lip formed at a top of the second compartment side wall,

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a pour opening formed through the lip, offset from the second compartment internal storage region; and

a cover secured to the lip;

wherein upon assembly of the first and second compartments, the second compartment nests within the first compartment such that the base is spaced from the bottom and the first compartment internal storage region is sealed except at the pour opening, and further wherein a fluid passageway is established between an interior surface of the first compartment side wall and an exterior surface of the second compartment side wall, the fluid passageway fluidly connecting the first compartment internal storage region and the pour opening.

23. The container of claim 22, wherein the cover is sealed to the lip, encompassing the pour opening, and further wherein the lip is sealed to the rim.

24. (Twice Amended) A portable, single-use container for separately containing two consumable products, the container comprising:

a first, outer compartment including:

a bottom,

a first compartment side wall extending from the bottom and defining a first compartment internal storage region,

an annular rim formed at a top of the first compartment side wall;

a second, inner compartment including:

a base,

a second compartment side wall extending from the base and defining a second compartment internal storage region,

an annular lip formed at a top of the second compartment side wall,

a pour opening formed through the lip, offset from the second compartment internal storage region; and

a cover secured to the lip and sealing the pour opening;

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wherein upon final assembly, the second compartment nests within the first compartment and the lip is permanently affixed to the rim, and further wherein lip abuts the rim, the base is spaced from the bottom, and a fluid passageway is established between an interior surface of the first compartment side wall and an exterior surface of the second compartment side wall, the fluid passageway fluidly connecting the first compartment internal storage region and the pour opening, and further wherein an upper plane defined by the lip is substantially parallel with a lower plane defined by the bottom.

25. (Twice Amended) A method of manufacturing a portable, single-use container separately containing two consumable products, the method comprising:

providing a first, outer compartment including a bottom, a first compartment side wall and an annular rim;

providing a second, inner compartment including a base, a second compartment side wall and an annular lip, the lip forming a pour opening;

dispensing a first consumable product into the first compartment;

dispensing a second consumable product into the second compartment including dispensing a dry consumable product into the second compartment;

placing the second compartment into the first compartment such that lip rests on top of the rim; and

sealing the lip to the rim;

wherein a fluid passageway is established between an exterior surface of the second compartment side wall and an interior surface of the first compartment side wall for allowing passage of the first consumable product from the first compartment to the pour opening.

26. The method of claim 25, further comprising the steps of:

a) covering the second compartment, including the pour opening, after dispensing the second consumable product;

b) sanitizing an exterior of the second compartment;

c) sanitizing the first compartment; and

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d) dispensing the first consumable product into the first compartment and placing the second compartment into the first compartment after sanitizing the first compartment;

wherein upon final assembly, the first consumable product is contained within a sanitized environment.

27. The method of claim 25, further comprising the steps of:

- a) sanitizing the first compartment;
- b) sanitizing the second compartment;
- c) dispensing the first consumable product into the first compartment;
- d) sealing the pour opening before placing the second compartment into the first compartment; and
- e) dispensing the second consumable product into the second compartment after placing the second compartment into the first compartment and sealing the lip to the rim;

wherein upon final assembly, the first consumable product is contained within a sanitized environment.

28. The method of claim 25, wherein dispensing a first consumable product includes dispensing a liquid consumable product into the first compartment.

29. The method of claim 28, wherein the liquid consumable product is milk.

30. (Cancelled) ~~The method of claim 25, wherein dispensing a second consumable product includes dispensing a dry consumable product.~~

31. The method of claim ~~30~~25, wherein the dry consumable product is cereal.

32. The method of claim 25, wherein securing the lip to the rim includes ultrasonically welding the lip to the rim.

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33. The method of claim 25, further comprising:
providing a cover; and
sealing the cover to the second compartment lip, the cover being configured such that
with at least partial removal of the cover from the second compartment, the
pour opening and at least a portion of the second compartment are exposed to
allow dispensing of the first and second consumable products, respectively.
34. Previously Cancelled.
35. Previously Cancelled.
36. Previously Cancelled.
37. Previously Cancelled.
38. Previously Cancelled.
39. The container of claim 1, wherein the bottom of the first compartment defines a non-
circle perimeter.
40. The container of claim 1, wherein the side walls each form an increased diameter
shoulder proximate the respective tops, the shoulders corresponding in height to facilitate
assembly of the compartments.
41. The container of claim 1, wherein upon final assembly, the second compartment side
wall and the base are the only portions of the second compartment extending below the rim of
the first compartment.
42. The container of claim 4, wherein the lip is linear in transverse cross-section.
43. The container of claim 5, wherein the lip is not snap-fitted to the rim.--